

E-filed on November 30, 2006

Marc A. Levinson (California Bar No. 57613)
 Lynn Trinka Ernce (California Bar No. 179212)
 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 Sacramento, CA 95814-4497
 Telephone: (916) 447-9200
 Facsimile: (916) 329-4900
 Email: malevinson@orrick.com;
lernce@orrick.com

Bob L. Olson (Nevada Bar No. 3783)
 Anne M. Loraditch (Nevada Bar No. 8164)
 BECKLEY SINGLETON, CHTD.
 530 Las Vegas Boulevard South
 Las Vegas, NV 89101
 Telephone: (702) 385-3373
 Facsimile: (702) 385-5024
 Email: bolson@beckleylaw.com;
aloraditch@beckleylaw.com

*Attorneys for the Official Committee of Equity
 Security Holders of USA Capital Diversified Trust
 Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:
☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

**NOTICE OF HEARING OF OMNIBUS
 OBJECTION OF THE OFFICIAL
 COMMITTEE OF EQUITY SECURITY
 HOLDERS OF USA CAPITAL
 DIVERSIFIED TRUST DEED FUND,
 LLC TO CLAIMS ON EQUITY
 MISFILED AS PROOFS OF CLAIM
 BY LESTER C. AVILA, REX B.
 MCBRIDE, THOMAS A. BRODIE, JR.,
 ARISTOTLE MELONAS, ROBERT
 CAROLLO AND BEVERLY
 CAROLLO, AND SUZANNE C.
 MOWBRAY, TRUSTEE**

Date: January 3, 2007
 Time: 9:30 a.m.
 Courtroom: 1

1 **TO: LESTER C. AVILA**
 2 **REX B. MCBRIDE**
 3 **THOMAS A. BRODIE, JR.**
 4 **ARISTOTLE MELONAS**
 5 **ROBERT CAROLLO**
 6 **BEVERLY CAROLLO**
 7 **SUZANNE C. MOWBRAY, TRUSTEE**
 8 **DEBTOR**
 9 **ATTORNEYS FOR DEBTOR**
 10 **U.S. TRUSTEE**
 11 **ALL PARTIES IN INTEREST**

12 **NOTICE IS HEREBY GIVEN** that the Official Committee of Equity Security Holders
 13 of USA Capital Diversified Trust Deed Fund, LLC (the "Diversified Committee") filed its
 14 Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital
 15 Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled as Creditor Claims (the
 16 "Objection"). The Objection is based upon the grounds that the proofs of claim described on
 17 Exhibit "1" attached hereto are claims on equity interests of debtor USA Capital Diversified
 18 Trust Deed Fund, LLC ("Diversified Fund") that have been erroneously filed as creditor claims
 19 against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled
 20 claims. A copy of the Objection may be obtained at the bankruptcy court's website at
 21 <http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-3373.

22 Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

23 Local Rule 9014(d)(1): "Oppositions to a motion must be filed and
 24 service must be completed on the movant no later than fifteen (15) days
 25 after the motion is served except as provided by LR 3007(b) and LR
 26 9006. If the hearing has been set on less than fifteen (15) days' notice,
 27 the opposition must be filed no later than five (5) business days before
 28 the hearing, unless the court orders otherwise. The opposition must set
 forth all relevant facts and any relevant legal authority. An opposition
 must be supported by affidavits or declarations that conform to the
 provisions of subsection (c) of this rule."

29 Please carefully review the Omnibus Objection included with this Notice, particularly
 30 Exhibit 1 referenced above concerning your claim.

1 IF ANY CREDITOR SHOULD DISAGREE WITH THE DTDF COMMITTEE'S
2 OBJECTION NOTED ABOVE, AND AS DISCUSSED IN THE OMNIBUS
3 OBJECTION, SUCH CREDITOR MUST FILE A RESPONSE TO THE OMNIBUS
4 OBJECTION AND SERVE IT UPON DTDF COMMITTEE'S COUNSEL NO LATER
5 THAN DECEMBER 26, 2006.

6 If you object to the relief requested, you *must* file a **WRITTEN** response to this
7 pleading with the court. You *must* also serve your written response on the person who sent you
8 this notice.

9 If you do not file a written response with the court, or if you do not serve your written
10 response on the person who sent you this notice, then:

- 11 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 12 • The court may *rule against you* without formally calling the matter at the
13 hearing.

14 NOTICE IS FURTHER GIVEN that the hearing on the said Objection will be held
15 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd.
16 South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on January 3, 2007 at
17 the hour of 9:30 a.m.

18 Respectfully submitted this 30th day of November 2006.

19 BECKLEY SINGLETON, CHTD.

20
21 By: /s/Ane Loraditch

22 Bob L. Olson (Nevada Bar No. 3783)
23 Anne M. Loraditch (Nevada Bar No. 8164)
24 530 Las Vegas Boulevard South
25 Las Vegas, NV 89101

26 Marc A. Levinson (California Bar No. 57613)
27 Lynn Trinka Ernce (California Bar No. 179212)
28 ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814-4497

*Attorneys for the Official Committee of Equity
Security Holders of USA Capital Diversified Trust
Deed Fund, LLC*

EXHIBIT 1**CLAIMS ON EQUITY**

Claim No.	Claimant	Claim Amount	Proposed Disposition
34-1	Lestor C. Avila	\$200,000.00	Reclassify as proof of interest
35-1	Rex B. McBride	\$50,000	Reclassify as proof of interest
36-1	Thomas A. Brodie, Jr.	\$24,023.66	Reclassify as proof of interest
39-1	Aristotle Melonas	\$21,728.50	Reclassify as proof of interest
40-1	Aristotle Melonas	\$551,616.50	Reclassify as proof of interest
41-1	Aristotle Melonas	\$72,070.98	Reclassify as proof of interest
42-1	Aristotle Melonas	\$654,852.55	Reclassify as proof of interest
43-1	Aristotle Melonas	\$145,496.04	Reclassify as proof of interest
44-2	Robert Carollo & Beverly Carollo	\$96,094.65	Reclassify as proof of interest
45-1	Suzanne C. Mowbray, Trustee	\$196,705.49	Reclassify as proof of interest